

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION**

MID-PACIFIC REGION

**SOUTH-CENTRAL CALIFORNIA AREA OFFICE
FRESNO, CALIFORNIA**

DRAFT FINDING OF NO SIGNIFICANT IMPACT

**CONSTRUCTION OF CONVEYOR BELT OVER THE
DELTA-MENDOTA CANAL
AT MILEPOST 80, MERCED COUNTY**

DRAFT FONSI-07-50

Recommended by:

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Date: _____

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In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the U.S. Bureau of Reclamation (Reclamation), has determined that the approval of the conveyor project over the Delta-Mendota Canal (DMC) is not a major federal action that would significantly affect the quality of the human environment and an environmental impact statement is not required. This Draft Finding of No Significant Impact is supported by Reclamation's Draft Environmental Assessment (EA) Number EA-07-50, *Constructoin of Conveyor Belt over the Delta-Mendota Canal at Milepost 80, Merced County*, and is hereby incorporated by reference.

BACKGROUND

The purpose of the proposed project is to approve a permit for construction of a conveyor over the DMC by Triangle Rock Products, Inc. (Triangle). The proposed project will make it possible for Triangle to transport aggregate materials over the DMC to its aggregate operation located on its property on the opposite side of the DMC versus trucking material over a road crossing. The conveyor would save time and cost in the transportation of aggregate materials. Additionally, operational safety would be improved by eliminating the hauling of aggregate by truck across the existing canal bridge.

The project area would consist of a 200 meter by 50 meter area, which extends across the canal approximately ¼ mile northwest of Creek Road Crossing.

FINDINGS

Water Resources: The areas served by the DMC include primarily agricultural lands on the western side of the San Joaquin Valley, from Tracy in the north to Kettleman City in the south, and primarily urban uses in the San Felipe unit of the CVP, in San Benito and Santa Clara Counties, west of the Coast Range. The DMC generally runs parallel to the California Aqueduct, a state-owned facility providing primarily agricultural water to southern portions of the San Joaquin Valley and primarily urban supplies to southern California. The DMC is part of the federal CVP Delta export facilities that also include the "Bill" Jones Pumping Plant, the Westley and Newman Wasteways, the O'Neill Pumping Plant, the O'Neill Forebay, and the San Luis Reservoir (Reclamation 2007b).

No changes will result in existing CVP operations. Water will still be used for irrigation and M&I purposes. Water will continue to be delivered to established cropland and for urban uses.

Aggregate material will fall into a catch chute that will be placed under the conveyor to prevent material from falling into the DMC. Side protection will be placed part way up the conveyor truss, high enough to shield the aggregate material on the conveyor from wind and prevent it from blowing it into the DMC.

Water will be used during construction; however, the primary use will be for fugitive dust abatement to ensure air quality concerns have been addressed. The quantity of water will be small and only a temporary use. No hazardous materials will be associated with the proposed action and, therefore, will not adversely affect surface and groundwater quality. The proposed action is not expected to cause significant environmental impacts.

Land Use: Agricultural-related industries are a major source of employment along with food processing, retailing, and light manufacturing. Land use in the vicinity of the proposed conveyor construction is agricultural. Land use will not change. No native grassland will be tilled or cultivated. A conveyor crossing will be constructed to connect existing aggregate pits on either side of the DMC just south of SLDMWA's existing maintenance yard and west of Los Banos, Merced County, CA. The temporary work area will occupy a 200 meter by 50 meter area. The area is essentially level and will involve minor grading and excavation activities to install support footings and structures to support and install the conveyor. Slope stability will not be an issue as there are no slopes or major excavations. Therefore, the Proposed Action is not expected to cause significant environmental impacts.

Biological Resources: With the proposed action, a conveyor belt will be constructed to allow a more efficient means of transporting material across the DMC. It will result in a small amount of disturbance to upland areas.

There is no proposed or designated critical habitat in the project area and so none will be affected.

Due to the lack of suitable breeding habitat nearby, the disturbed nature of the aggregate pits and the presence of the DMC, which may have already fragmented historical habitat, the California tiger salamander is not expected to occur in the project area and therefore will not be affected.

The site is in the greater Santa Nella area, which has been identified by the U.S. Fish and Wildlife Service as an important area for the movement of kit foxes between the northern part of their range and populations further to the south, including Ciervo/Panoche. Although kit foxes may use the DMC as a linear corridor, the presence of active aggregate pits will discourage kit foxes from denning in the area, due to the lack of ground squirrels that would provide dens and a prey base. No effects are anticipated on the San Joaquin kit fox; the high level of disturbance will discourage their use of the area and the installation of exclusion gates will prevent them from accessing the conveyor belt once it is constructed. However, because there is grassland habitat around the quarry and there will be ground disturbance in an upland area, a standard preconstruction survey will be conducted by a qualified biologist and avoidance measures must be implemented.

The western burrowing owl, which is protected by the Migratory Bird Treaty Act, has not been detected in the project area and is unlikely to occur, for reasons similar to those outlined above for the San Joaquin kit fox. The western burrowing owl also depends primarily on ground squirrel burrows or man-made structures for its burrows, but unlike the San Joaquin kit fox, its diet is less dependent on small mammals that would be discouraged from occupying the area by the operation of the aggregate pits. Furthermore, burrowing owls are somewhat more mobile, so they may not be quite as affected by habitat fragmentation. A preconstruction survey will still be conducted to verify absence. If burrowing owls are detected near the project area, they must be avoided by standard California Department of Fish and Game-approved buffers. In the unlikely event that any

burrowing owls are found, the buffers would reduce effects to a minimum and will ensure compliance with the Migratory Bird Treaty Act.

Cultural Resources: It is unlikely that this action will adversely affect historic properties. However, this Draft FONSI will not be finalized until consultation and concurrence by the State Historic Preservation Officer has been received.

Indian Trust Assets: This action will have no adverse effect on Indian trust assets. The nearest ITA to the proposed site is approximately 33 miles southwest and it is a Public Domain Allotment.

Socioeconomic Resources: The construction and operation of a conveyor belt over the DMC will not alter existing surface mining operations and, therefore, will not directly affect socioeconomic resources. However, there might be a slight indirect benefit. Truck hauling operation costs (fuel, oil, maintenance, engine repairs, tires, etc.) increase and are usually passed onto customers. The conveyor will eliminate fuel and other costs previously passed onto customers.

Environmental Justice: The construction and operation of a conveyor belt over the DMC will not alter existing surface mining operations and, therefore, will not adversely affect minority or disadvantaged populations in the project area.

Cumulative Impacts: The proposed action will not contribute to changes to existing CVP operations. It will not change the amount of irrigated lands. It will not contribute to major land use changes or impacts to agricultural land. As the proposed action is not expected to affect any federally listed species, it will not contribute cumulatively to any effects on federally listed species. The proposed action will be a minor change to the existing surface mining operation. Operational efficiencies and safety will be improved.